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SUBJECT: RECENT TIP DEVELOPMENTS IN THE NETHERLANDS

REF: A) State 218687; B) The Hague 1855

1. Summary

Below follows an update of recent developments in the Netherlands re trafficking in persons (TIP). Contents:

- New Legislation
- Other Parliamentary Activity
- Outreach to National TIP Rapporteur's Office
- Arrests/Prosecutions
- Visitors Raise TIP: A/S Jones; Former Congresswoman Smith
- Comments

2. New Legislation

On June 16, 2003, the Dutch Cabinet gave the first stage approval to a bill submitted by Justice Minister Donner expanding the definition of people trafficking to all forms of modern slavery, in conformity with the EU Framework on Trafficking and the UN Palermo Protocol. Under the bill, it is forbidden "in all cases to recruit persons under coercion or deception, to transport or to house them, for the reason of exploitation." The bill penalizes all forms of social-economic exploitation in the different sectors, such as the hotel, restaurant and agricultural sector, household work and prostitution. The bill also applies to the removal of human organs. The requirement of "coercion or deception" does not apply to minors; exploitation of minors is always punishable. The maximum penalties for trafficking will be raised to 12 years in case of serious physical injury and 15 years in case of death.

Immediately after Cabinet approval, the bill was sent for review to the Council of State, the highest advisory body to the government, as is the mandatory procedure for new legislation. The text will not become public until approved by the Council and submitted to the Dutch Parliament. It is too early to tell when the Second and First Chambers of Parliament will debate the bill, but there is no doubt that legislation will be passed and in place before the August 2004 deadline for ratification of the EU Framework on Trafficking.

3. Other Parliamentary Activity

In reply to recent questions by the Labor (PvdA) and Calvinist Reformed (SGP) parties about U.S. State Department concerns about TIP in the Netherlands, Justice Minister Donner noted that the 2002 U.S. TIP report does not take into account recently proposed legislation (described above in Para 2) which expands the definition of TIP and raises penalties so that they are comparable to those for multiple rape, which was a point for U.S. criticism.

Donner felt U.S. concerns were prompted by the rise in the number of TIP prosecution cases. He emphasized that this only proves the Dutch government has made TIP a priority issue. With respect to U.S. criticism on support for foreign victims, Donner emphasized that many victims are operating in "hidden or less visible" sectors of prostitution making it difficult for the government to assist them. According to Donner, the Dutch police have invested a great deal in the detection of victims. He pointed to the B-9 immigration law regulation allowing victims to remain in the country while pursuing prosecution, noting that, within Europe, only Italy and Belgium have comparable procedures.

On September 4, 2003, the Second Chamber's Standing Justice Committee will discuss the results of the first assessment of the November 2000 lifting of the ban on brothels, carried out by the Justice Ministry's Scientific Research and Documentation Center (WODC) in October last year, as well as the 2002 TIP reports recently published by the National Rapporteur. We expect the committee will: 1) recommend continued monitoring of legalized brothels by the WODC until 2005, and 2) urge the GONL to support the Rapporteur's 2002 recommendations. We expect funding levels to remain the same for TIP despite overall GONL budget cuts.

4. Outreach to National TIP Rapporteur Office

Embassy's Global Issues officers recently met with senior staff members of the National TIP Rapporteur's office to discuss follow-up action on the three P's: prosecution, prevention and protection. The Rapporteur staff members first wanted to emphasize that the independent status of their office enables them to make critical observations and recommendations about all aspects of the TIP problem and solutions. They expressed concern that in the past these honest observations and recommendations have been repeated negatively in U.S. reports - in a sense, "used against us and the GONL." This makes it "more difficult for us to continue our independent work." Embassy officers agreed to relay the point to appropriate USG Department officials.

Prosecution:

With respect to prosecution statistics, the staffers admitted that data collection is slow because of limited manpower (three staff members). The Rapporteur's 2003 annual report, which will be published this December, will have 2002 law enforcement statistics. Realizing the importance of the most up-to-date information, our interlocutors are committed to discuss the issue with other parties involved (police, ministries and NGOs) and try to find ways to share more current data.

Prevention:

The Rapporteur staffers noted several ongoing prevention initiatives including the Travel Agent's Association distribution of warnings about trafficking and sex with minors and ECPAT (End Child Prostitution, Child Porn and Child Trafficking) Netherlands public awareness campaigns aimed at Dutch tourists and travel agencies, which are meant primarily to combat sexual exploitation of children. ECPAT and the Dutch branch of Defense for Children International have just completed a study on child sex tourism, which was funded by the Dutch government. The Rapporteur's office has promised to send us a copy and we will forward one to G/TIP.

The Netherlands also plays an active role in the EU "La Strada" program for the prevention of trafficking in women, which was expanded in 2002 to include twelve (from six) Central and Eastern European countries. GONL funding for La Strada (1.5 million USD over 2001-2004) is channeled through the Dutch Foundation against Trafficking in Women (STV).

The Justice Ministry's WODC has been asked to initiate a study into various forms of modern-day slavery in the Netherlands (other than exploitation in prostitution). The National Rapporteur is involved in the formulation of the research project.

On the issue of sex tourism, our interlocutors noted that the Public Morality Act was amended in 2002 to add a provision that "citizens and persons having a permanent residence in the Netherlands, who abuse minor children in foreign countries, can be tried and convicted in the Netherlands, even if the offense is not a crime in the country where it took place." To date, two persons have been prosecuted under this new provision.

The Rapporteur's staff was puzzled by our questions about sex tourism in The Gambia (Ref A) as there are reports of only a few isolated incidents of Dutch traveling to that country for sex with minors. According to them, there is no evidence of The Gambia as a significant destination or even indications of a trend.

Protection:

In June 2003, the STV and the Dutch Interchurch Organization for Development Cooperation (ICCO) launched a study of TIP repatriation programs. The study will gather information from NGOs in "source" countries, consider best practices and pitfalls and prepare a plan of action for the Netherlands. The Rapporteur's office plans to host a meeting, planned for early February 2004, of 25 repatriation experts from these countries. Other Dutch NGOs involved in repatriation programs are IOM-Nederland, Bonded Labor in the Netherlands (BLIN), and Religions against Trafficking in Women (SRTV). IOM-Nederland has begun to modify its current database of repatriated persons to distinguish TIP victims - an IOM head office initiative which the Dutch are out front on.

The Rapporteur staffers also reminded us that the Netherlands will chair the Council of Europe in 2004. The Council, which has made TIP a priority issue, is currently drafting its own convention on victim assistance and human rights and the GONL intends to further this effort.

With respect to concerns about sufficiency of shelters for victimized women (Ref A), STV is optimistic that this problem will be solved shortly by a new directive by GONL to give battered women priority for subsidized housing in order to free more shelter capacity for TIP victims. The STV and local minority integration networks have also started a discussion on the need for separate shelters for TIP victims

and victims of household violence.

15. Arrests/Prosecutions

Since February, 2003, the Amsterdam and military police forces have arrested 46 Dutch and Romanian nationals on suspicion of participating in a network of trafficking and forced prostitution. During the investigation, the police seized false driver's licenses and passports, forged Dutch residence permits, money and weapons. The network is suspected of having recruited Romanian women and girls under the pretense of working as waitresses in Dutch restaurants. Once in the country, their passports were taken away and they were told they owed the traffickers large sums of money on expenses made. This way, they were forced to work as prostitutes. Most of the victims have meanwhile been repatriated. Prosecution of suspects is currently being prepared.

In July 2003, the Breda district court sentenced the female manager of a sex club to 18 months in prison, of which six months suspended. The woman was accused of having smuggled at least 14 women, including four underage girls, from the former East Bloc to the Netherlands in 2001 and forced them to work as prostitutes. The prosecutor suspects a link to between the sex clubs in Noord Brabant and Zeeland provinces to the Bulgarian mafia.

16. Visitors Raise TIP

EUR A/S Jones raised the TIP issue in meetings with the National Rapporteur for Trafficking Korvinus and Justice Ministry Secretary-General Demmink in The Hague on July 15, 2003 (Ref B). Dutch officials emphasized to Jones that TIP will be a priority of their European Union and Council of Europe presidencies in 2004, as it has been with their OSCE presidency. All agreed it is essential to focus political and multilateral attention on the problem.

On July 21, 2003, the Embassy arranged a meeting for Shared Hope International Director Linda Smith and Michele Clark, Co-Director of the Protection Project of the Foreign Policy Institute, with the National Rapporteur who pledged support for an initiative described by Smith to hold a regional conference in the Netherlands to establish international networks for repatriated women. The two agreed to remain in close contact; the Rapporteur's office has not yet received further details of Smith's conference proposal (not to be confused with the STV and ICCO project launch meeting described above in para 4, Protection).

17. Comment

The activities described above by the GONL, the Rapporteur and NGOs demonstrate that the GONL takes TIP seriously and commits significant time, funding and resources to eradicating this type of crime and assisting victims. There is healthy cooperation between public and private organizations to combat the problem, and increasing inclusion of neighboring and source countries in planning. When passed, the new TIP legislation in Parliament should meet USG concerns set out in Ref A. The GONL is seizing opportunities to spotlight TIP and make it an international priority as it leads multilateral institutions (OSCE presidency, Council of Europe and EU presidency). We are particularly intrigued with the STV/ICCO repatriation study and conference proposed for February 2004 (para 4 above) and hope to find an opportunity for meaningful bilateral cooperation there. Embassy The Hague welcomes the visit of G/TIP Senior Advisor John Miller to the Netherlands in late September and plans to use that visit to conduct more outreach and advocacy to police, ministries and NGOs involved in TIP issues and to engage the Rapporteur further.

Russel